

**FILED**

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO JAN 20 2015

UNITED STATES OF AMERICA

Plaintiff,

V.

LUCAS PAEZ

**Defendant,**

MATTHEW J. DYKMAN

CLERK

10

CASE NO.: 1:10CR02602-001MCA

MOTION FOR SENTENCING MODIFICATION  
PURSUANT TO 18 U.S.C. SECTION 3582(C)(2)

LUCAS PAEZ (Defendant) moves this Court for an order modifying his sentence of incarceration and term of imprisonment pursuant to 18 U.S.C. § 3582 (C)(2) " based on " the recent amended guidelines implemented by the United States Sentencing Commission pursuant to Amendment 782

## BACKGROUND

The Defendant was indicted for violating 21 U.S.C § 846 on  
06-18-2014 . The controlled substance at issue  
was METHAMPHETAMINE, COCAINE The quantity of 500 GRAMS  
was used to calculate Defendant's sentence. Defendant was found  
guilty and sentenced to 97 months in prison. Defendant's  
statutory minimum is based upon 21 U.S.C. § 841 (b)(1) ( ).

The District Court judgement was entered on 06-14-2014.

REASON FOR MOTION

On 18 JULY 2014 the Sentencing Commission issued an amendment to the drug quantity table at U.S.S.G. §2D1.1 reducing by two levels all guideline involving such quantity. These amendments were pursuant to 28 U.S.C. § 994(o).

The Supreme Court in **FREEMAN V. UNITED STATES**, 131 S. Ct. 2685 (2010) held:

"§ 3582(c)(2) proceedings should be available to permit the District Court to revisit a prior sentence to whatever extent the sentencing range in question was a relevant part of the analytic framework the judge used to determine the sentence..."

ID at 2692-93

Base upon the Sentencing Commission's amendments, the Commission also directed Amendment 782 be applied retroactively.

THE COURT'S CONSIDERATION

Defendant requests this Court reduce his otherwise final sentence from the guideline range previously set at 78 to 97 months to the more lenient range of 63 to 78 months.

The Defendant also asks this Court to take into consideration his conduct while in prison under 18 U.S.C. § 3553.

The defendant has attached evidence of his programming while in prison and would show he has learned his lesson and plans not

only never to offend again, but will also be a productive member of society upon his release from prison.

A description of the attachments to this motion are:

- 1) See Attached Data Computation Sheet
- 2) See Attached Skills and Development Sheet
- 3) See Attached Custody Classification Sheet
- 4) See Attached Two Point Reduction Letter
- 5) \_\_\_\_\_
- 6) \_\_\_\_\_
- 7) \_\_\_\_\_

The Defendant request this Court reduce his sentence from

97 months to 63 months.

#### CONCLUSION

The defendant respectfully requests this Court to reduce his sentence under § 3582 (C)(2) to 63 months.

Respectfully Submitted,

LUCAS PAEZ

Reg No. 58099-051

Federal Satellite Low, La Tuna

P.O. Box 6000

Anthony, New Mexico 88021

CERTIFICATE OF SERVICE

I hereby certify that on 14<sup>th</sup> Jan, 2015, I mailed U.S. First Class the above motion to the clerk of Court, United States Courthouse, 333 Lomas Boulevard, NM, Suite 270, Albuquerque, NM 87102.

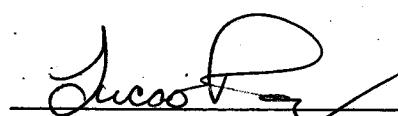
I further certify that all parties to the above proceeding are registered ECF users and will receive service of the above motion through the ECF System:

United States of America

  
\_\_\_\_\_  
Server: LUCAS PAEZ  
Number: 58099-051

DECLARATION OF MAILING

I declare under the penalty of perjury, pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that on 14 Jan, 2015, I deposited the above motion in the U.S. Mailbox located inside FSL La Tuna.

  
\_\_\_\_\_  
Declarant: LUCAS PAEZ  
Number: 58099-051

TWO POINT REDUCTION LETTER

IN SUPPORT OF LUCAS PAEZ

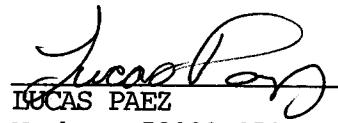
I Lucas Paez am requesting this Honorable Court to consider a two-point reduction based on a 3582(c)(2) change in the law. I am a reformed inmate currently serving time at Federal Satellite Low La Tuna. I have been in good standing without incident. I have a very close relationship with my immediate family which consists of my two children, wife, parents, and grandmother. My two children are both female, aged 5 and 10. They currently live with my parents in Albuquerque, NM. It is very hard on my parents to raise the children since my father recently had a second back surgery and my mother was recently diagnosed with a brain tumor forcing her to resign from work. My grandmother is currently 91 years old and is also whom I was raised by, she is currently suffering from Alzheimer's my wife is in San Antonio, TX and has lost children due to her drug issues.

This two-point reduction would greatly reduce the time I am away from my family and allow me to resume my role as provider and father, as well as see my grandmother while she still recognizes me. I have a vast amount of programming including self paid correspondence courses in business and drug awareness through the Strafford Institute Business School, in total I have taken 10 classes and received honors. I have also taken a 2 year Bible study course through the church in Santa Fe, NM. All the while I have maintained a good working relationship with BOP staff as well as other inmates.

I am currently housed at a Satellite Low located on FT Bliss. I also have in my possession a letter from employer guaranteeing full time employment upon my release. Any consideration towards the reduction of my sentence would be greatly appreciated. Thank you in advance for your prompt attention to my situation.

Date: 14 Jan 2015

Very Respectfully,

  
LUCAS PAEZ  
Number: 58099-051

LATAW 540\*23 \*  
PAGE 001 \*

SENTENCE MONITORING  
COMPUTATION DATA  
AS OF 09-12-2014

\* 09-12-2014  
\* 10:47:28

REGNO..: 58099-051 NAME: PAEZ, LUCAS

FBI NO.....: 649442FC6 DATE OF BIRTH: 12-29-1981 AGE: 32  
ARS1.....: LAT/A-DES  
UNIT.....: S-1 QUARTERS.....: S03-130U  
DETAINERS.....: NO NOTIFICATIONS: NO

HOME DETENTION ELIGIBILITY DATE: 04-04-2018

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.  
THE INMATE IS PROJECTED FOR RELEASE: 10-04-2018 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: NEW MEXICO  
DOCKET NUMBER.....: 1:10CR02602-001MCA  
JUDGE.....: ARMIJO  
DATE SENTENCED/PROBATION IMPOSED: 06-18-2014  
DATE COMMITTED.....: 08-21-2014  
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT  
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$200.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE....: 391  
OFF/CHG: 21:846 CONSPIRACY TO DISTRIBUTE 500 GRAMS AND MORE OF A  
MIXTURE AND SUBSTANCE CONTAINING A DETECTABLE AMOUNT OF  
METHAMPHETAMINE, 21:841(B)(1)(A); 21:846 CONSPIRACY TO  
DISTRIBUTE COCAINE, 21:841(B)(1)(C)

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE  
SENTENCE IMPOSED/TIME TO SERVE.: 97 MONTHS  
TERM OF SUPERVISION.....: 5 YEARS  
DATE OF OFFENSE.....: 08-17-2010

G0002 MORE PAGES TO FOLLOW . . .

LATAW 540\*23 \*  
PAGE 002 OF 002 \*

SENTENCE MONITORING  
COMPUTATION DATA  
AS OF 09-12-2014

\* 09-12-2014  
\* 10:47:28

REGNO.: 58099-051 NAME: PAEZ, LUCAS

-----CURRENt COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 08-01-2014 AT DSC AUTOMATICALLY  
COMPUTATION CERTIFIED ON 08-26-2014 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN  
CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 06-18-2014

TOTAL TERM IN EFFECT.....: 97 MONTHS

TOTAL TERM IN EFFECT CONVERTED...: 8 YEARS 1 MONTHS

EARLIEST DATE OF OFFENSE.....: 08-17-2010

JAIL CREDIT.....	FROM DATE	THRU DATE
	08-17-2010	08-19-2010
	11-30-2010	05-05-2011
	02-27-2012	06-17-2014

TOTAL PRIOR CREDIT TIME.....: 1002

TOTAL INOPERATIVE TIME.....: 0

TOTAL GCT EARNED AND PROJECTED...: 380

TOTAL GCT EARNED.....: 108

STATUTORY RELEASE DATE PROJECTED: 10-04-2018

EXPIRATION FULL TERM DATE.....: 10-19-2019

TIME SERVED.....: 2 YEARS 11 MONTHS 24 DAYS

PERCENTAGE OF FULL TERM SERVED...: 36.8

PROJECTED SATISFACTION DATE.....: 10-04-2018

PROJECTED SATISFACTION METHOD...: GCT REL

G0000 TRANSACTION SUCCESSFULLY COMPLETED

LATAW 606.00 \*  
PAGE 001 OF 001

## MALE CUSTODY CLASSIFICATION FORM

\*

01-13-2015

09:26:55

## (A) IDENTIFYING DATA

REG NO...: 58099-051

FORM DATE: 11-06-2014

ORG: LAT

NAME....: PAEZ, LUCAS

MGTV: GRTR SECU

PUB SFTY: NONE

MVED: 07-31-2016

## (B) BASE SCORING

DETAINER: (0) NONE

SEVERITY.....: (3) MODERATE

MOS REL.: 46

CRIM HIST SCORE: (02) 2 POINTS

ESCAPES.: (0) NONE

VIOLENCE.....: (0) NONE

VOL SURR: (0) N/A

AGE CATEGORY...: (4) 25 THROUGH 35

EDUC LEV: (0) VERFD HS DEGREE/GED DRUG/ALC ABUSE.: (1) &lt;5 YEARS

## (C) CUSTODY SCORING

TIME SERVED.....: (3) 0-25% PROG PARTICIPAT: (1) AVERAGE

LIVING SKILLS...: (1) AVERAGE TYPE DISCIP RPT: (5) NONE

FREQ DISCIP RPT.: (3) NONE FAMILY/COMMUN.: (4) GOOD

## --- LEVEL AND CUSTODY SUMMARY ---

BASE CUST VARIANCE	SEC TOTAL	SCORED LEV	MGMT SEC	LEVEL	CUSTODY	CONSIDER
+10	+17	-1	+9	MINIMUM	LOW	IN

DECREASE

G0005

TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

LATAW \*  
PAGE 001 OF 001 \*

INMATE EDUCATION DATA  
TRANSCRIPT

\* 01-13-2015  
\* 09:27:41

REGISTER NO: 58099-051  
FORMAT.....: TRANSCRIPT

NAME..: PAEZ  
RSP OF: LAT-LA TUNA FCI

FUNC: DIS

----- EDUCATION INFORMATION -----

FACL ASSIGNMENT DESCRIPTION		START DATE/TIME	STOP DATE/TIME
LAT	ESL HAS ENGLISH PROFICIENT	08-25-2014 0754	CURRENT
LAT	GED HAS COMPLETED GED OR HS DIPLOMA	08-25-2014 0754	CURRENT

----- EDUCATION COURSES -----

SUB-FACL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
LAT FSL	MICROSOFT CLASS 12:30P-02:30P	09-15-2014	CURRENT				
LAT FSL	FSL CAREER GUIDANCE CLASS	11-20-2014	12-18-2014	P	C	P	8
LAT FSL	FSL SMALL BUSINESS	10-15-2014	12-17-2014	P	C	P	10
LAT FSL	BASIC OIL PAINT 1	09-22-2014	11-17-2014	P	C	P	11
LAT FSL	FSL TODDLER PARENTING CLASS	10-15-2014	11-06-2014	P	C	P	20
LAT FSL	RPP ORIENTATION	08-28-2014	08-28-2014	P	C	P	1

G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

LATAW 531.01 \*  
PAGE 001 OF 001 \*

INMATE HISTORY  
DRUG PGMS

\* 01-13-2015  
\* 09:27:56

REG NO...: 58099-051 NAME....: PAEZ, LUCAS

CATEGORY: DRG FUNCTION: DIS

FORMAT: [ ]

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
LAT	DAP WAIT	RESIDENT DRUG TRMT WAITING	11-10-2014	1158 CURRENT
LAT	ED PART R	DRUG EDUCATION PARTICIPNT-REQD	11-18-2014	1345 CURRENT
LAT	ELIGIBLE	18 USC 3621 RELEASE ELIGIBLE	12-15-2014	1508 CURRENT
LAT	ED WAIT RJ	DRUG EDUCATION WAIT-RQ JUDREC	08-26-2014	0937 11-18-2014 1345
LAT	DAP DIAG	DRUG ABUSE DIAGNOSIS PENDING	10-15-2014	1507 11-10-2014 1158
LAT	DAP SCREEN	DRUG ABUSE PROGRAM SCREENING	09-19-2014	0817 10-15-2014 1507
LAT	DAP REFER	DRUG ABUSE PROGRAM REFER	08-29-2014	0853 09-19-2014 0817

G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

CERTIFIED MAIL



7000 1670 0009 4293 3109

BN

⇒58099-051⇒

U S C H Clerk  
333 Lomas BLVD NE  
Suite 270  
Albuquerque, NM 87102  
United States

